



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

DEC 11 2006

2006 DEC 11 AM 8:58

EPA REGION VIII
HEARING CLERK

Ref: 8ENF-L

CERTIFIED MAIL #7001 2510 0006 3202 1491
RETURN RECEIPT REQUESTED

Fallon County Commissioners
Donald Rieger, Chairman
P.O. Box 846
Baker, MT 59313-0846

Re: Notice of Violation of Findings of Violation
and Administrative Order for Compliance,
Docket No. CWA-08-2006-0032

Dear Mr. Rieger:

This letter is to notify you that the United States Environmental Protection Agency ("EPA") has determined that you are in violation of the above-referenced Order (the "Order"). As set forth in paragraphs 4 and 5 of Section III of the Order, you were required to submit to EPA within 21 calendar days of receipt of the Order the name and qualifications of the consultant who would prepare a restoration plan for the Baker Lake wetlands and supervise the work thereunder, as well as the name and qualifications of a heavy equipment operator experienced in wetland restoration. Pursuant to paragraphs 6 and 7 of Section III of the Order, the restoration plan was required to be submitted within 60 calendar days of your receipt of the Order and was to provide for completion of the restoration of the affected wetlands within 60 days of EPA approval of the restoration plan.

On July 27, 2006, Albert Batterman, Fallon County Attorney, sent a letter to EPA stating that Fallon County would (1) identify for EPA the name and qualifications of the County's remediation consultant as specified in paragraph 4, Section III of the Order, and (2) prepare and submit a remediation plan for the site(s) described in paragraph 4(c), Section I of the Order. To date, EPA has not received the name of the County's remediation consultant or a remediation plan.

EPA is extremely concerned with the delay in restoration of the areas at Baker Lake that were affected by the County's unauthorized dredge and fill activities. Please be reminded that, as indicated in Paragraph 16 of Section III of the Amended Order, section 309(d) of the Clean Water Act ("CWA"), 33 U.S.C. § 1319(d), authorizes civil penalties of up to \$32,500 per day for each violation of an order issued by the Administrator of EPA under section 309(a) of the CWA,



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33 U.S.C. § 1319(a). Paragraph 16 of the Order also sets forth information on additional enforcement mechanisms available to EPA for violations of the CWA.

Due to the serious legal ramifications of non-compliance with the Order, I urge your prompt attention to this matter. If you have any questions concerning this letter, please contact Monica Heimdal, Enforcement Officer, at 303-312-6359. You or your attorney may also direct legal questions to Wendy Silver, Enforcement Attorney, at 303-312-6637.

Sincerely,

A handwritten signature in black ink, appearing to read "Carol Rushin". The signature is fluid and cursive, with the first name "Carol" and last name "Rushin" clearly distinguishable.

Carol Rushin
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

cc: Tina Artemis, EPA, Regional Hearing Clerk
Albert R. Batterman, Fallon County Attorney
David L. Lagrone, U.S. Army Corps of Engineers
Allan Steinle, U.S. Army Corps of Engineers
John Wardell, EPA, Montana Operations

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ENF-W
Fallon County Commissioners
Donald Rieger, Chairman
P.O. Box 846
Baker, MT 59313-0846 *C*

DEC 11 2006

Docket # CWA-08-2006-0032

2. Article Number

(Transfer from service label)

7001 2510 0006 3202 1491

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Brenda J. Wood

☐ Agent

☐ Addressee

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Brenda J. Wood

C. Date of Delivery

12-13-06

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